APR 1 1986 COMPLETED Y 1.1/5:99-266

Calendar No. 580

99TH CONGRESS 2d Session | SENATE | REPORT 99-266

ORIGINAL

SPACE SHUTTLE DONATIONS

MARCH 26 (legislative day, MARCH 18), 1986.—Ordered to be printed

Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2054]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2054) to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 2054, as reported, is to permit NASA to accept conditional gifts and donations for the express purpose of building a replacement space shuttle.

BACKGROUND AND NEEDS

Since the January 28, 1986, Space Shuttle Challenger accident and the loss of its crew, there have been a significant number of private donations for the specific purpose of replacing the Space Shuttle Challenger. However, the National Aeronautics and Space Act of 1958, which created the National Aeronautics and Space Administration (NASA), authorized NASA to accept only unconditional gifts. In the present case, the gifts and donations have been made on the condition that they are to be used to replace the Shuttle Challenger.

To allow NASA to accept the funds that are being donated specifically for a replacement shuttle, certain restrictions in the 1958 act must be temporarily relaxed. S. 2054, as introduced, allows NASA to accept conditional gifts and donations and to expend these gifts

71-010 O

BEST COPY AVAILABLE

and donations for the construction of a replacement shuttle. A second provision of S. 2054 states that if the shuttle program is discontinued before the completion of construction of that replacement shuttle, NASA will not be allowed to accept any more donations for that purpose, and NASA will be able to use, at its discretion, the remaining funds that have been donated.

S. 2054, as introduced, assumes that a decision has been made or will be made to construct a replacement shuttle. S. 2054 does not speak to the possibility that the administration or Congress may decide not to build a replacement shuttle. Therefore, the Committee determined that S. 2054, as introduced, should be amended to clarify the treatment of donations if the administration or Congress do not approve the replacement of the Shuttle Challenger. In this case, S. 2054, as amended, would disallow NASA from accepting any more gifts or donations to replace the Shuttle Challenger and would permit NASA to use the already-donated funds at its own discretion, which is consistent with NASA's legal rights relative to unconditional gifts.

LEGISLATIVE HISTORY

On February 6, 1986, Senator Nickles, along with Senators Boren, Dixon, Wallop, Dole, and Danforth, introduced S. 2054, whereupon it was referred to the Committee on Commerce, Science, and Transportation.

On March 13, the Committee considered S. 2054. Senator Gorton offered to S. 2054 an amendment which addressed the issue of how to treat gifts and donations if neither the Congress nor the administration approved replacement of the Shuttle Challenger. This amendment clarified S. 2054 so that gifts and donations made to replace the Shuttle Challenger would be treated identically under the following two circumstances:

1. if the shuttle program were discontinued before the completion of the replacement shuttle; or
2. if Congress or the administration did not approve the replacement of the Shuttle Challenger.

The amendment passed without objection. The Committee then ordered S. 2054 to be reported favorably.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 21, 1986.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, 508 Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2054, a bill to provide that the National Aeronautics and

BEST COPY AVAILABLE

Space Administration (NASA) may accept gifts and donations for a space shuttle which may be named Challenger II, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, March 13, 1986.

We estimate that enactment of this bill would result in a small savings to the federal government. While the amount of gifts and donations that NASA would receive under this bill cannot be estimated, they are not expected to be substantial. (NASA currently estimates that a new orbiter will cost about $2.4 billion.)

No costs would be incurred by state or local governments as a result of enactment of this bill.

If you wish further detail on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

This legislation authorizes NASA to accept gifts and donations made on the condition that these gifts and donations be used specifically for the replacement of the Space Shuttle Challenger.

Any additional paperwork required of NASA in accepting the conditional gifts and donations should not prove onerous.

Passage of this legislation is not expected to result in significant regulation or have any impact on the personal privacy of any individual.

SECTION-BY-SECTION ANALYSIS

The bill contains one section, which amends the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471 et seq.) by adding a new section 208, authorizing NASA to accept gifts and donations made on the condition that these gifts and donations be used specifically for the replacement of the Space Shuttle Challenger.

The bill, as amended, provides that this authority will terminate if the administration or Congress do not approve the replacement of the Shuttle Challenger. In such a case, NASA would be permitted to use the gifts and donations at its own discretion.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

TITLE II OF THAT ACT

SEC. 201.—SEC. 207. * * *

BEST COPY AVAILABLE

DONATIONS FOR SPACE SHUTTLE

SEC. 208. (a) Notwithstanding the provisions of paragraph (4) of subsection (c) of section 203 of this Act or any other provision of law, the Administration is authorized to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and expend such gifts and donations for the construction of a manned space shuttle. Such shuttle may be named Challenger II.

(b) If the manned space shuttle program is discontinued before the completion of construction of such space shuttle or the Administrator does not, either pursuant to any provision of law or as a result of a determination by the Administrator, undertake and complete construction of such space shuttle—

(1) the authority of the Administration to accept gifts or donations pursuant to subsection (a) shall be terminated; and

(2) all such gifts or donations not expended, shall be treated as gifts and donations pursuant to paragraph (4) of subsection (c) of section 203 of this Act and may be expended by the Administrator for the activities of the Administration.

○

BEST COPY AVAILABLE